

Applicant Initiated Interview Request Form

Application No.: 09/904,975 First Named Applicant: Delmer, Dan
Examiner: Mr. Aaron Dunwoody Art Unit: 3679 Status of Application: PENDING

Tentative Participants:

(1) SUPERVISOR STODOLA (2) EXAMINER DUNWOODY
(3) J. MARK HOLLAND, ESQ. (4) _____

Proposed Date of Interview: 04/15/09 or 16th, 17th Proposed Time: 11:00 AM (AM/PM)

Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☒ YES ☐ NO

If yes, provide brief description: Presentation of prototype

Atty's Office.

Issues To Be Discussed

| Issues (Rej., Obj., etc) | Claims/ Fig. #s | Prior Art | Discussed | Agreed | Not Agreed |
|---|-----------------------|------------------|--------------------------|--------------------------|--------------------------|
| (1) <u>Rej., 102 (e)</u> | <u>2, 5, 6, 43-47</u> | <u>6,416,667</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) <u>Rej., 102(e)</u> | <u>& 49, 50</u> | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Continuation Sheet Attached : See sheet "A" | | | | | |

Brief Description of Arguments to be Presented:

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/J. Mark Holland/

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

J. MARK HOLLAND

Typed/Printed Name of Applicant or Representative

32,416

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

“Sheet A”

(a continuation sheet for PTOL-413A) for serial no. 09/904,975.

If possible, I would like to schedule an interview for April 15th, 2009, at 11:00 a.m. This would allow me to coordinate this with another interview I have tentatively scheduled for April 15, 2009 at 10:00 a.m. with another Examiner for a different patent application.

As we discussed in our April 6, 2009 telephone conference, the reason for this request is two-fold. First, my wife and I are taking our two children to Washington, D.C. for a family vacation from April 14th through 17th, 2009. More substantively, I thought it would be an opportunity to demonstrate a prototype in person. Despite the fact that we previously demonstrated prototypes in a video-conference, I have some hope that allowing you to see, handle, and manipulate the prototype may better communicate to you both (a) the inventive concepts that we are seeking to patent, and (b) the differences between the invention and the prior art upon which your rejections have been based.

Pursuant to your request yesterday, we intend to forward this form to you today via EFS (electronically).

If you have another preferred time/date between April 15th thru April 17th, 2009, please let me know.

Best regards,

/J. Mark Holland/